

**SUBSTITUTE FOR
HOUSE BILL NO. 6017**

A bill to amend 1973 PA 196, entitled

"An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties,"

by amending section 2 (MCL 15.342), as amended by 1984 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A public officer or employee shall not divulge to
2 an unauthorized person — confidential information acquired in the
3 course of employment in advance of the time prescribed for its
4 authorized release to the public.

5 (2) A public officer or employee shall not represent his or
6 her personal opinion as that of an agency.

7 (3) A public officer or employee shall use personnel
8 resources, property, and funds under the officer or employee's
9 official care and control judiciously and solely in accordance with

1 prescribed constitutional, statutory, and regulatory procedures and
2 not for personal gain or benefit.

3 (4) A public officer or employee shall not solicit or accept a
4 gift or loan of money, goods, services, or other thing of value for
5 the benefit of a person or organization, other than the state,
6 ~~which~~ **THAT** tends to influence the manner in which the public
7 officer or employee or another public officer or employee performs
8 official duties.

9 (5) A public officer or employee shall not engage in a
10 business transaction in which the public officer or employee may
11 profit from his or her official position or authority or benefit
12 financially from confidential information ~~which~~ **THAT** the public
13 officer or employee has obtained or may obtain by reason of that
14 position or authority. Instruction which is not done during
15 regularly scheduled working hours except for annual leave or
16 vacation time shall not be considered a business transaction
17 pursuant to this subsection if the instructor does not have any
18 direct dealing with or influence on the employing or contracting
19 facility associated with his or her course of employment with this
20 state.

21 (6) Except as provided in section 2a, a public officer or
22 employee shall not engage in or accept employment or render
23 services for a private or public interest when that employment or
24 service is incompatible or in conflict with the discharge of the
25 officer or employee's official duties or when that employment may
26 tend to impair his or her independence of judgment or action in the
27 performance of official duties.

House Bill No. 6017 (H-1) as amended September 13, 2006

1 (7) Except as provided in section 2a, a public officer or
2 employee shall not participate in the negotiation or execution of
3 contracts, making of loans, granting of subsidies, fixing of rates,
4 issuance of permits or certificates, or other regulation or
5 supervision relating to a business entity in which the public
6 officer or employee has a financial or personal interest.

7 (8) A PUBLIC OFFICER SHALL NOT SOLICIT OR ACCEPT A GIFT OR
8 REIMBURSEMENT OF OUT-OF-STATE TRAVEL EXPENSES FROM A PERSON
9 REQUIRED TO BE REGISTERED AS A LOBBYIST AGENT UNDER 1978 PA 472,
10 MCL 4.411 TO 4.431.

[(9) A PUBLIC OFFICER SHALL NOT SOLICIT OR ACCEPT A CONTRIBUTION,
AS DEFINED IN SECTION 4 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA
388, MCL 169.204, IN ANY FACILITY OR PORTION OF A FACILITY OWNED OR
LEASED BY THE STATE THAT IS USED PRIMARILY FOR THE CONDUCTING OF
GOVERNMENT BUSINESS. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY
OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
A FINE OF \$1,000.00 OR THE AMOUNT OF THE CONTRIBUTION ACCEPTED, WHICHEVER
IS GREATER, OR BOTH IMPRISONMENT AND A FINE.]